

EXTRADITION

*Convention signed at Guatemala February 20, 1940, supplementing
convention of February 27, 1903*

Ratified by Guatemala June 20, 1940

Senate advice and consent to ratification November 26, 1940

Ratified by the President of the United States December 20, 1940

Ratifications exchanged at Guatemala February 6, 1941

Proclaimed by the President of the United States March 3, 1941

Entered into force March 13, 1941

55 Stat. 1097; Treaty Series 963

SUPPLEMENTARY CONVENTION TO THE EXTRADITION TREATY CONCLUDED BETWEEN THE UNITED STATES OF AMERICA AND THE REPUBLIC OF GUATEMALA ON FEBRUARY 27, 1903

The United States of America and the Republic of Guatemala, desiring to enlarge the list of crimes and offenses for which extradition may be granted in the terms of the Treaty concluded between the two countries on February 27, 1903;¹ and in the desire also to clear up certain doubts which may arise in the application of the said Treaty, and thus favor the administration of justice and prevent crime in their respective territories and jurisdictions, have resolved to conclude a supplementary Convention for that purpose and have appointed their Plenipotentiaries, to wit:

The President of the United States of America, Fay Allen DesPortes, Envoy Extraordinary and Minister Plenipotentiary of the United States of America to the Guatemalan Government; and

The President of Guatemala, señor Licenciado Carlos Salazar, Secretary of State for Foreign Affairs,

who, after having exhibited their respective Full Powers, which were found to be in good and due form, have agreed upon the following Articles:

ARTICLE I

The High Contracting Parties agree to the addition of the following crimes and offenses, under number 23, to the list of the crimes and offenses specified

¹ TS 425, *ante*, p. 482.

in Article 2 of the Extradition Treaty concluded between the United States of America and the Republic of Guatemala on February 27, 1903, namely:

23. Violation of the laws prohibiting or regulating the traffic in narcotics, when the penalty to which violators are liable is one year's imprisonment or more.

The High Contracting Parties also agree to amend number 23 of Article 2 of the said Treaty of 1903, to make it read as follows, renumbering it number 24:

24. Extradition shall also be granted for an attempt to commit any of the crimes or offenses listed above, or for participation in such crimes or offenses as an accessory before or after the fact, provided that all such violations are punishable with imprisonment of one year or more by the laws of both Contracting Parties.

ARTICLE II

This Convention shall be considered as an integral part of the said Extradition Treaty of February 27, 1903; and it is agreed that the participation as an accessory before or after the fact referred to in the foregoing Article shall be applied, in a proper case, to all the crimes or offenses listed in the said Treaty, and to the crimes or offenses included under number 23 of the Second Article of the above-mentioned Treaty, in the manner previously agreed upon.

ARTICLE III

In order to avoid, as far as may be possible, the doubts which might result from difference in the scope of the Spanish word "delito" and the English words "crime" and "offense", as well as the exact translation into Spanish of the expressions "attempt" and "accessories before or after the fact", and the exact translation into English of the words used in the Guatemalan penal legislation "tentativa", "cómplice" and "encubridor", the High Contracting Parties declare that for the application both of the Treaty of Extradition which they concluded on February 27, 1903, and for the application of the present Additional Convention, the Spanish word "delito" is equivalent to the English words "crime" and "offense"; that the Spanish words "delito frustrado" and "tentativa" are equivalent to the English word "attempt"; and that the Spanish names "cómplice" and "encubridor" are translated into English as "accessories before or after the fact".

ARTICLE IV

This Convention shall be ratified and the ratifications exchanged in Guatemala City as soon as possible.

It shall come into force ten days after its publication in accordance with the laws of the High Contracting Parties, the said period to run from the

date of its publication in the country last publishing, and it shall continue and shall terminate in the same manner as the above-mentioned Treaty of February 27, 1903.

In faith whereof the respective Plenipotentiaries have subscribed and affixed their seals to this Convention, in duplicate in the English and Spanish languages in the City of Guatemala on the twentieth day of February, nineteen hundred and forty.

FAY ALLEN DESPORTES	[SEAL]
CARLOS SALAZAR	[SEAL]